

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
ALBANY DIVISION**

AMANDA LANESEY

Plaintiff,

vs.

NCO FINANCIAL SYSTEMS, INC.
DBA ALW SOURCING, LLC

Defendant.

Case No. 1:10-CV-1383 (LEK/DRH)

COMPLAINT

Jury Trial Demanded

NATURE OF ACTION

1. This is an action brought under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*

JURISDICTION AND VENUE

2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where the acts and transactions giving rise to Plaintiff’s action occurred in this district, (where Plaintiff resides in this district), and/or where Defendant transacts business in this district.

PARTIES

4. Plaintiff, Amanda Lanesey (“Plaintiff”), is a natural person who at all relevant times resided in the State of New York, County of Albany, and City of Watervliet.

5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

6. Defendant, NCO Financial Systems, Inc. dba ALW Sourcing, LLC

(“Defendant”) is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

7. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendant.

9. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant, arises from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes. Plaintiff incurred the obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant.

10. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.

11. Defendant (via its agents and/or employees Ann Wilson and Ms. Green), during a telephonic communication with Plaintiff on August 17 2010 at 9:25 A.M., in connection with the collection of an alleged debt, stated to Plaintiff that the statute of limitations had run on the debt, and went on to further state to Plaintiff that if she were not to make immediate payment to Defendant, the debt would be placed on her credit report where it would “grow and grow.”

12. Defendant falsely represented to Plaintiff that the debt could be reported indefinitely. (15 U.S.C. §§ 1692e(8), 1692e(10)).

13. Defendant's actions constitute conduct highly offensive to a reasonable person.

COUNT I

14. Plaintiff repeats and re-alleges each and every allegation contained above.

15. Defendant violated the FDCPA as detailed above.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- f) Awarding such other and further relief as the Court may deem just and proper.

TRIAL BY JURY

16. Plaintiff is entitled to and hereby demands a trial by jury.

This 15th day of November, 2010.

ATTORNEYS FOR PLAINTIFF

Amanda Lanesey

Respectfully submitted,

s/Dennis R. Kurz

Dennis R. Kurz

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